

REMARKS

Claims 1, 2, 9, 18-21 and 25-28 stand rejected under 35 USC § 102(b) as being anticipated by Johnson, U.S. Patent No. 5,836,716. The remaining claims stand rejected under 35 USC § 103(a) as being unpatentable over Johnson in view of one or more of Lacey, U.S. Patent No. 4,199,272; Coffman, U.S. Patent No. 6,277,274; Gorton, U.S. Patent No. 5,997,735; and Jowett, U.S. Patent No. 6,270,661. Claims 15 and 16 have been indicated as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-28 remain at issue.

The undersigned wishes to thank Examiner Singh for the courtesy extended in the telephonic interview of September 14, 2004. During the course of the interview rejection of claims 1-14 and 17-28 in view of Johnson, U.S. Patent No. 5,836,716, was discussed. The undersigned contended Johnson did not show a “utility line,” but rather a perforated drainage pipe as conventionally used in French drains and thus did not teach all the elements of the claimed invention. The Examiner took the position that the perforated drainage pipe could constitute a utility line. The undersigned suggested amendment of the claims to recite a “non-perforated utility line” and while the Examiner agreed this would distinguish the claims over the Johnson reference, the Examiner reserved the right to conduct further searching directed to the amended claims.

Claim 1, as amended, is directed to a bedding for a utility line. A non-perforated utility line is located between first and second select depths of porous particulate material, with the first and second select depths of porous particulate material being selected to store a select volume of water. Claim 11 is directed to a surface water retention and dissipation structure and also recites, as amended, a non-perforated utility line located within porous particulate material. Claim 18 is directed to a method of constructing a utility line bedding and further recites the use of a non-perforated utility line. Finally, claim 25, the final independent claim, is directed to a method of designing a utility pipe trench and also recites the use of a non-perforated utility line.

Johnson, U.S. Patent No. 5,836,716, is directed to a draining pipe having uniquely configured perforations for use in a French drain, as illustrated in Fig. 2 of Johnson. Johnson does not teach or suggest the use of a non-perforated utility line within a porous media, as is recited in each of the pending independent claims, as amended. Accordingly, neither Johnson

alone or in combination with any of the other art of record teaches the use of a non-perforated utility line located within a porous particulate material bed wherein the porous particulate material bed can be used for the storage of a select volume of water. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of each of claims 1-14 and 17-28.

For the reasons set forth above, Applicant respectfully submits the claims as filed are allowable over the art of record and reconsideration and issuance of a notice of allowance are respectfully requested. If it would be helpful to obtain favorable consideration of this case, the Examiner is encouraged to call and discuss this case with the undersigned.

This constitutes a request for any needed extension of time and an authorization to charge all fees therefore to deposit account No. 19-5117 if not otherwise specifically requested. The undersigned hereby authorizes the charge of any required fees not included or any deficiency of fees submitted herewith to be charged to deposit account No. 19-5117.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Bratschun', with a long horizontal flourish extending to the right.

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